



IFW

Docket: 11872/US/2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-----------------------|---|----------------------|
| First Named Inventor: | Tara Nicole Sherman | |
| Application No.: | 10/723,718 | |
| Filing Date: | November 25, 2003 | Examiner: Unknown |
| Title: | Prosthetic Spinal Disc Nucleus with Elevated Swelling Rate | Group Art Unit: 3738 |

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR § 1.97(b)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this document is being sent via First Class U.S. mail addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on this 27 day of September, 2004

Barbara A. Avery
Barbara A. Avery

Dear Sir:

Pursuant to 37 CFR § 1.97(b), the references listed on the attached Form PTO/SB/08A (1 sheet, submitted in duplicate) are brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. This IDS is being filed before the mailing of a first office action on the merits. In accordance with CFR § 1.97(b), no statement or fee is required.

Pursuant to the U.S. Patent and Trademark Office's July 11, 2003 waiver of the requirements of 37 C.F.R. § 1.98(a)(2)(i), a copy of the U.S. patent references are not provided.

Pursuant to the Manual of Patent Examining Procedure, Chapter 609, applicant requests that the Examiner consider the listed document and initial and return to the undersigned a copy of the enclosed Form PTO/SB/08A.

Respectfully submitted,

DORSEY & WHITNEY LLP

Customer Number 25763

Date: September 27, 2004

By: Scott D. Rothenberger
Scott D. Rothenberger
Reg. No. 41,277
Intellectual Property Department
Suite 1500
50 South Sixth Street
Minneapolis, MN 55402-1498
(612) 34-8819



| | | | | | |
|--|----------|-----------|----------|-------------------------------|----------------------------|
| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i> | | | | Application Number | 10/723,718 |
| | | | | Filing Date | November 25, 2003 |
| | | | | First Named Inventor | Tara Nicole Sherman |
| | | | | Art Unit | 3738 |
| | | | | Examiner Name | Unknown |
| Sheet | 1 | of | 1 | Attorney Docket Number | 11872/US/2 |

U.S. PATENT DOCUMENTS

| *Examiner Initials | Cite No. | DOCUMENT NUMBER Number - Kind Code (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|-----------------------|-------------|--|--------------------------------|--|---|
| | | US- 5,824,093 | 10-20-1998 | Ray et al. | |
| | | US- 6,132,465 | 10-17-2000 | Ray et al. | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

FOREIGN PATENT DOCUMENTS

| *Examiner Initial | Cite No. | FOREIGN PATENT DOCUMENT | | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | TRANSLATION | |
|----------------------|-------------|-------------------------|----------------------------------|-----------------------------------|--|---|-------------|----|
| | | Country Code: | Number - Kind Code (if known) | | | | YES | NO |
| | | | | | | | | |
| | | | | | | | | |

| | |
|---------------------------|------------------------|
| EXAMINER SIGNATURE | DATE CONSIDERED |
|---------------------------|------------------------|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.